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To C. Patterson

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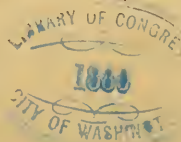
FITZ JOHN PORTER.

HALF a generation of men have gone to render an account of the deed done in the body, since a court-martial, convened in perfunctory compliance with the Articles of War, inflicted upon this officer an infamous punishment, too light if he was guilty, too heavy if he was innocent, of the heinous crime charged against him.

Men held their breath when they saw an accomplished soldier of approved skill, tried courage, and established reputation, sent forth with the mark of Cain upon him, to become, as the temporarily successful conspirators hoped, "a fugitive and a vagabond in the earth." Earnest protests were made by old men who knew the blood he inherited, and by young men, bound to him by the mystic brotherhood of the camp—the instinctive affinity of manhood—which so often outlives the ties of consanguinity.

The time was not propitious for calm consideration. Blind acceptance of current opinion was the shibboleth—a cheap, convenient offering upon the altar of country—still current, despite the silent appeal from the graves of true men, who perished in battle, bivouac and hospital, their very names forgotten outside their homes, though ostentatiously paraded on tomb stones erected by a grateful country, that loyal contractors, who had avoided imprudent exposure in war, might continue to thrive in peace.

There were strains of "primeval savagery," in the blood contributed by theretofore divergent races, to the surging tide, which ebbs and flows with the pulsations of the American heart. Napoleon had a few men shot, "*pour encourager les autres.*" "The Lord tempers the wind to the shorn lamb," but his perverted creatures turn aside the airs of heaven from the nostrils of the panting brute, caught by the horns in the thicket, for sacrifice in atonement for



the sins of others. Vicarious suffering commends itself to all but the sufferer. It has a peculiar charm for those who most ignore the precepts of its grand exemplar. Romans enjoyed it in the amphitheatre, Spaniards at the bull-fight, Englishmen in so-called courts of justice. The mirror of Anglo-Saxon equity shows, beneath its brilliant surface, dark specks of Anglo-Saxon brutality. Macaulay in his over-colored portrait of the Puritans—by no means the worst front of British character—kept nearer exact truth than usual, in saying that they denounced bear-baiting, not for the pain inflicted upon the bears, but because of the pleasure it gave the people.

Cowardice, rare there as here, is always found hand in hand with cruelty. They hunt in couples.

Admiral Byng was shot—a court-martial the convenient instrument—that an administration might not be unseated.

When the local rulers of Ireland, stimulated to frenzy in 1798, by their panic-stricken superiors, simplified their criminal code, cheapening blood, one of their first victims was William Orr, charged with administering the oath of the United Irishmen to a British soldier, sent to him by the agents of the government, for the purpose of taking that oath, and so qualifying himself as a witness. The oath was not, in itself, a hanging matter. The terrified officials would, to avoid the nightmare which infested the castle, have swallowed many such. It had been eagerly taken by more than a quarter of a million of men, in Ulster alone—Presbyterians demanding equal rights for their Roman Catholic countryman. Orr, set apart for the gallows, was convicted and condemned. Four jurors voluntarily made oath that they had no recollection of assenting to the verdict, and that if they had done so, it must have been when, stupified with whiskey, brought into the jury room by stealth, they were unable to express their dissent. This exposure of official machinery brought a reprieve. The affidavit of the witness, whose testimony procured conviction, that his conclusive proofs had been a "sequence and succession" of perjuries, induced further delay. In Great Britain those affidavits would have given pause. In Ireland it was not so. Examples were needed. The expense of a vexatious trial had been incurred, and loyal servants of the crown demanded compensation for wear and tear of conscience and temper. The law was not to be defrauded of its fore-ordained victim, by the scruples of jurors, or the lapse of



an ill-trained witness. The memory of Orr of Carrickfergus is enshrined in the hearts of his countrymen, with that of other martyrs who, in their tender phrase, "suffered for the cause." The warm Irish heart traversed the infamous record, in the defiant words of a compatriot, who went unharmed far beyond Orr in the direction of treason.

"Cord and axe and guillotine  
Make the sentence—not the sin."

An officer of yeomanry played bosom friend to the brothers Sheares, fondling Henry's only child, that he might reach the father's life through the mother's heart. The knaves who furnished the evidence necessary to give conviction the color of justice, lived till near ninety, in idleness, on the avails of infamy. Neither was made a general in the British army. Neither was sent to a foreign court.

When the crew of the *Hermione* overpowered her officers, and carried her into Gibraltar, then a Spanish port, the admiralty issued an order for the summary execution of any man found on board a national vessel, on proof that he had been one of her crew on that occasion. These men had been merciful. With their oppressors in their hands, they had abstained from retaliation. They knew their danger. They had no representation in parliament, and were too poor to fee advocates. "The fourth estate" did not exist. "The friend of the absent" could only reach the public through pamphlets, little read. Fraud or flight remained. Most of them died abroad. A few, stimulated by liquor, or want, re-entered the naval service. That service did not lack men. The press gang furnished enough, and troublesome fellows could be put out of the way, without loss to the service. A short shrift, the yard-arm, and a sudden submergence with a round shot, closed the account for earth. British appetite palls even upon roast beef. The *Hermione* was heard from too often. A resolution of inquiry was adopted, and the report showed that more *Hermione's* men had already been hanged than were on board when her crew rose. The graver mutiny of the *Nore* was dealt with differently.

The emergencies of our civil war brought scape-goats into demand. Those who furnished the sinews of war must be amused. That patriotism, which Dr. Johnson defined as "the last refuge of a scoundrel," was too acute to disgust those who furnished men and

fed them. Noah's nakedness was covered so often that Shems and Japhets were becoming perfect in the back step, and the cloak of charity threadbare, when peace relieved them from further duty.

Major General John Pope, incomparably the finest melodramatic author and actor of the war, finessed well. He showed his paces with the confident air and tricky manœuvres of that hero of the circus who always charms the juvenile heart.

General Worth had originated the phrase, "head-quarters in the saddle" but it wilted under the chilling suggestion of a young officer, that he "had always considered the saddle, the proper place for a gentleman's hindquarters." Author and commentator were dead. General Pope appropriated the waif, and announced his intention of subsisting his army on the enemy, dispensing with bases of supply, lines of communication and other hindrances to earnest men requiring neither food nor sleep. He had read of the three hundred that lapped with the hand, and valued himself too highly to fear that the assistance so effective on that occasion, would be withheld from a Pope. Not putting his light under a bushel, or concealing it with a pitcher, he blew a sprightly prelude to Miriam's song of triumph and revealed to the eye of faith the falling walls of the Jericho of Jefferson Davis.

"Thus far into the bowels of the land have we marched on without impediment," was the lullaby that soothed public expectation, till "a day of darkness and of gloominess, a day of clouds and of thick darkness, as the morning spread upon the mountains," when General Pope was so occupied with resonant reports from the rear, as to have little leisure for pondering the report which his proper superiors on his changed front would expect at his hands. One promise was fulfilled. He had "established communication with the enemy" so thoroughly, that his head-quarters flag and papers, a vast amount of public property, and his clothes remained in their hands. When he gave his horse-tails to the wind, his vanishing head-quarters conveyed only his diminished self, his gorgeous uniform coat being held, for account of whom it might concern, by the confederate General Stuart. He knew the worth of "Atalanta's better part." Weary of hogskin resting on hard wood, and harder iron, "cabined, cribbed, confined, bound into saucy doubts and fears," he announced in special order No. 00, dated "Groveton, August 30th 1862"—his Hegira,—that "the

general head-quarters will be somewhere on the Warrenton Turnpike." That turnpike was well known for its facilities for rapid transit. Many middle-aged citizens, North and South, reflect, with more pleasure than pride, on the good time they made upon it, when they looked only for "one thing, forgetting those things which are behind, and reaching forth unto those which are before." The north-easterly exit was, for General Pope, the more cheerful. It led towards the flesh pots of Egypt, away from the wilderness and those extempore pyrotechnics which shed a baleful light on his misguided army. The dome of the Capitol was "as the shadow of a great rock in a weary land."

The John Pope of Shakespeare, said at the close of such a day: "The better part of valor is discretion; in the which better part I have saved my life." Our Falstaff used valor's better part without remark.

He had scattered his orders broad-cast through the press. The popular mind was tickled by performances not in the bills. Some variations were startling, but the ambulatory General did not quail. Reduced to the level of ordinary humanity, by the loss of his coat, he had in reserve, perennial efflorescence and a flowing well of elastic statement. His prompt action, under adverse circumstances, equalled that of Wellington at Waterloo. A triumphal march, the enemy in retreat, losing prisoners at a rate which must soon exhaust the containing power of his army, would have met public expectation, and laid a good foundation for history; but the anxiety about Washington, which had repeatedly caused such waste of blood, treasure, and strategic opportunity had made people so well acquainted with the adjacent portion of Virginia, as to embarrass him in fixing the route for a triumph. The stoppage of an army in march by the number and immobility of its prisoners had once served his purpose; but the ready wit of President Lincoln had blown the ten thousand men reported taken on that occasion into thin air.

General Pope gave the President all the facts which he did not prefer to withhold. He had been, in some sort, defeated, but it was not his fault. "The best laid plans o' men and mice gang aft agley." If his corps commanders and others had met his wishes, the war would have been closed.

General Pope and his predecessor at Bull Run, would, by their respective exhibitions on that gratuitous Aceldama, have achieved distinction for themselves and peace for the country, if somebody had done them, in turn, the kindness to hold the big boy of the other side, till the fight was over.

Whatever art was used in the selection of commanders for the Federal forces, must be sought in

—“Limbo large and broad, since called  
The Paradise of Fools.”

History presents no parallel but the caprice of Henry the Eighth in the choice of wives. Blondes and brunettes, Katharines and Annes, McDowells and Popes, failing to meet the fanciful expectations of the Defender of the Faith, or of the American people, met the bowstring.

“Here yawns the sack, and yonder rolls the sea.”

The transfer of Irvin McDowell to the line, was the first of a series of exhaustive experiments whereby our people were taught a great lesson at great cost. The army exchanged one of its best staff officers for one of its least efficient generals. Graduating creditably at the Military Academy, he entered the artillery, attaining the grade of First Lieutenant before he could secure the coveted staff appointment, was breveted Captain for “gallant and meritorious conduct in the battle of Buena Vista,” while serving on the staff of General Wool, and Major on the staff in 1856. The advantage of a year’s travel on leave in Europe, his large acquaintance with volunteer troops, acquired while mustering them into service during the Mexican and Civil wars, his sonorous voice and impressive manner in administering the oath of allegiance, gave him prestige, which, decisively sustained in action, would have been invaluable.

This showy subaltern, overstepping the captaincy, not earned by service, and the several field grades, to the second rank in the army, became heir presumptive to the first. It would have been well for the country and for his reputation, if he had continued to nestle in safety under the shadow of the heroic figure of Winfield Scott. His preposterous promotion was due to his politic deference to the superannuated hero, who dearly loved a complaisant martinet. His exercise of power did not, in vigor or skill, correspond with his efforts to obtain it. The battle, arranged after many delays,



for Tuesday, July 16th, the army of the Shenandoah being directed to amuse, until that day, the rebel forces in the Valley of Virginia, was awkwardly delivered, on Sunday, July 21st, no intelligence being sent during the five precious days so wasted, to the co-operating columns. Its commander had, a month before the battle, and repeatedly afterwards, unsuccessfully sought permission to march his army to Leesburg, that it might be available against either Johnston or Beauregard. That it was not so, was due to the earnest protest of General McDowell, as stated by himself under oath before the committee on the conduct of the war, with a brevity unlike his diffuse elaboration of minor points: "In reply to some suggestion once made about bringing Patterson over to Leesburg, I said if he went there Johnston might escape, and join Beauregard, and I was not in a condition to meet all their forces combined."

On Saturday, July 20th, General Patterson telegraphed General Scott the fact of the departure of General Johnston, with a portion of his force, from Millwood on the afternoon of the 18th; and that telegram was in Mr. Lincoln's hands more than twenty-four hours before the first shot was fired at Bull Run. An intimation from the President is tantamount to a command; but the sagacious suggestion of Mr. Lincoln, enforced by the thoughtful Secretary of War, General Cameron, whose prophetic fears were verified by the result, was unheeded by men intent on personal aggrandizement. Duty was set aside for selfish purposes, which failed of accomplishment. The battle, unnecessarily deferred for five days, enabling the enemy to bring up his last available man, was not delayed for two days longer in accordance with the express request of the President and Secretary, that Patterson's army might be brought upon the field.

The date of the receipt of that telegram is fixed by the explicit statement of General Scott and other indubitable evidence. General McDowell seems to have labored under inability to state any discomposing fact. We quote the questions of the committee and the General's answers as reported. (Page 40. Part 2d)

"Q. When did you first learn that Johnston was released from Patterson and down here?"

"A. I first learned it beyond all doubt on the field of battle.

"Q. Did no one tell you before?"

“A. A man came to me before. But Great God! I heard every rumor in the world, and I put them all aside unless a man spoke of his own personal knowledge. Some person came to me; I did not know who he was. I had people coming to me all the time, each one with something different. All that I paid no attention to. This person came to me and said, I think, ‘The news is that Johnston has joined Beauregard.’ He might have said that somebody else had joined Beauregard. He did not know it himself; had heard it from others. Some one said: ‘We heard the cars coming in last night.’ Well, I expected that. I expected they would bring into Manassas every available man they could find. All I did expect was that General Butler would keep them engaged at Fortress Monroe, and Patterson would keep them engaged in the Valley of Virginia. That was the condition they accepted from me to go out and do this work.” \* \* \* \*

This sounds like the grumbling of a disappointed contractor, seeking to lay the foundation for a claim for damages.

General McDowell’s plan of attack was good, and might have been successful if he had not been upon the field. Rich in theory, and a great master of words, he became suddenly bankrupt when the books failed him. He sent raw troops, brigaded on the march, into a country of whose topography he knew nothing, his generals being without tracings of the cross-roads by which either army could be concentrated, accompanied by members of Congress and others, as to a picnic. He sent his well-manned, admirably officered batteries, recklessly to the front on a reconnaissance, with out proper supports, and they fell into the hands of men who knew how to use them.

General Griffin’s lips are closed, but his reputation lives. Few can forget his sad protest, half stifled by sense of duty and professional pride: “I will obey the order; but, mark my words, those Zouaves will not support us; the battery will be lost.” Ricketts, depressed by similar apprehensions, but upheld by like determination, obeyed the order with equal intrepidity and reluctance, playing well his part in the hopeless contest, till he fell beside his guns, unconscious of the furious struggle over his body. He was brought back from the confines of another world, and borne off the field by the victorious rebels. Into the dark Valley of the



Shadow of Death, the men of their respective commands followed the path of duty.

“ Boldly they rode and well,  
 Into the jaws of Death,  
 Into the mouth of Hell  
 Rode the ” two batteries.

McDowell's army was rich in *personnel*, as in *material* of war. The men of the long tried, little, old army were thoroughly instructed and well led. The manner in which they did their work precludes eulogy. The rank and file of the volunteers were, with few exceptions, made up of such men as no other country ever put into the field. Officers honorably accredited by faithful service in Mexico and on the frontier, many of them graduates of the Military Academy, were there to impart the one thing needful, to make these men the efficient soldiers many of them afterwards became. The necessity for that instruction which had been the great object of his own military education, and was the pressing need of the hour, was overlooked by General McDowell. Officers, misled by evil example, trod the crooked paths of politicians. The men were left to their own devices, and permitted to annoy everybody near them but the enemy. Experienced officers of the old army testified that their misconduct when the tide of battle was turning, was the result of the unrestrained orgies of the previous week.

Heroic courage was displayed at Bull Run that day, but the bravest could only mourn the inefficiency which secured no return for squandered lives. Sykes, in his quiet professional way, held his regulars up to their work, as coolly as if the other side was running away. In fact McDowell had very little the start of the confederates. Whipped as badly as he was, they held the field only because he left it. The men who fled, were as brave as those who stayed to fight. Most of them were the superiors of their better disciplined comrades, but they did not know the magic power of the touch of the elbow, and had not acquired the habit of prompt unhesitating obedience, without which the bravest men are useless.

Napoleon gave a vivid picture of such spontaneous combats as the first Bull Run: “ *C'est une affaire de têtes de colonnes où la bravoure seule décide tout.*” The improvised Union general, unfitted by long service on the staff and the consequent enfeeblement

from disuse of some of his faculties, for the responsibilities of supreme command, came into conflict with the ablest soldier of the confederacy, and the country paid, in its best blood, the costs of action.

Thousands saw their commander for the first time as he passed them in retreat, deaf to all suggestions of retrieval. Governor Ogden had wisely put in command of a New Jersey regiment, whence he was promoted to a brigade, an old infantry officer who, after graduating, had seen thirty years of active service and had earned two brevets. General Montgomery succeeded in arresting General McDowell's headlong course, long enough to show the practicability of defeating the jubilant rebels, with his own brigade and five others, lying near him, not a man of whom had pulled trigger that day. Montgomery, recalling minor conflicts in which he had taken part, and Bonaparte's off-hand victory at Roverbello, where, retreating with forty thousand, he beat sixty thousand Austrians, striking the exultant pursuers successively, as they came up in isolated columns. General McDowell listening politely, but with evident reluctance, and raising his disencumbered arm, to emphasize his reply, said: "Too much demoralized, too much demoralized," and rode on to "cover Washington." Its inhabitants thought it sufficiently covered for some time thereafter, and would gladly have removed most of the covering.

The effective strength of McDowell's reserves, which were not handled at all, was double that of Patterson's army on that day, and equal to four-fifths of the entire rebel force upon the field.

Much of the misconduct from which the Federal army suffered in reputation, was properly chargeable upon the rabble accompanying it. See Prof. Coppee's edition *Comte de Paris* p. 251. "There had followed in the train of McDowell's army from Alexandria, members of Congress, men of all parties and professions, journalists from every country, photographers with their instruments,—all assembled to witness the defeat of the rebels. Although out of reach of cannon shot, and frequently prevented by the woods from seeing the battle, this crowd actually imagined they were participating in it, and this thought long afforded them a foolish satisfaction. It finally moved off slowly in the direction of Alexandria, on receiving the first tidings of the check experienced by the Federals. But when the fugitives came crowding into the road they were following, and the bullets began to whistle close to the ears of those men harassed by fatigue and fright, a wild panic seized both

soldiers and spectators. The most fiery street orators were seen leading the way in a rapid flight, and journalists who pretended to describe the battle from a distance, outstripped the whole senseless crowd in swiftness."

If these people had been turned back at the bridge end, and a single hour properly devoted to the use of the spade, the Federal Army might have escaped defeat, even under McDowell.

Wellington, with little time for reflection after taking the Duchess of Richmond in to supper, forced by "the volcanic incursion of Napoleon" to fight on ground he would not have chosen, made such use of the park wall of Hogoumont, the straggling houses of La Haye Sainte, and the little stream of Papillotte, that victory rested with the allies at the end of that grim fight. At Waterloo, veteran faced veteran. At Bull Run, both armies were indigenious, but General McDowell had all the disciplined men on the field, and ample time for choice of strong natural positions.

The best regular officers engaged spoke with enthusiastic pride of the good conduct of their raw countrymen. James Cameron rode to his death at the head of the 79th New York, as calmly as he would have done forty years before to a delegate election, looking, with like singleness of purpose, to victory in the end, no matter what might intervene. We know nothing of the sins of the Pennsylvania politician, but, whether few or many, the recording angel did well, in view of that last unselfish act of devotion to duty, to blot them out forever.

Corcoran, equally uninstructed, held his green Celts well in hand to the last, and they would have thought it pastime to throw up such intrenchments as might have assured victory, or a safe refuge at Centreville. The troops were too raw, upon both sides, for such fighting as characterized later conflicts. At Gettysburg, Pickett had nearly as many men shot down in one division, in twenty-five minutes, as the aggregate of killed and wounded reported by McDowell and Johnston; and Porter, with one corps, had nearly four times as many casualties at Gaines' Mill.

High encomiums are justly paid to the chivalry of the South at Bull Run, but there was equal chivalry of action on the part of the North. Unusual exposure of officers was unavoidable on both sides, and the usual consequence followed. A majority of the Confederate colonels were put hors-de-combat, Beauregard, Jack-

son, Kirby Smith and Hampton wounded, Bee and Barton killed. The relative loss of officers on the Federal side was heavy. The prestige of continuous success and the promise of victory were with that side, till the loss of Griffin's and Ricketts' batteries, thrown together and left without proper support in an exposed position, apparently for convenience of transfer, deprived the right, until then equally victorious with the left, of the means of following up its advantages, or holding the positions won by honest fighting while advancing over a mile and a half of hotly contested ground. No provision had been made by General McDowell to guard against the consequences of a temporary check, and a rout followed.

When the enemy were in full retreat at Wagram, the veteran French infantry, after winning a decisive victory, became panic-stricken and raised the cry, "*Sauve qui peut*," but Napoleon did not return to Paris. Moreau gained the battle of Engen with four companies of the 58th. The wavering fortunes of Marengo were decided by bringing up Kellerman's Cavalry and the 9th Light Infantry. McDowell had more men idle in reserve than he put in action.

Napoleon's system, as stated by himself, was "*to make ten leagues a day, to combat, and to canton afterwards in repose.*" McDowell tried the effect of inversion, reposing in advance, active in retreat: "*Fortiter in modo, suaviter in re.*"

Napoleon's habitual order, when threatened by cavalry in Egypt, was, to "form square with artillery at the angles, asses and *savans* in the centre." McDonald saved most of his asses and *savans*, but the enemy got his best artillery.

The plains of Manassas had long been the shooting ground of Washingtonians, and maps showing approximately all cross roads could have been easily had, but McDowell's subordinate commanders were left in ignorance of the existence of such roads, till they stumbled upon them under fire. The fat cattle of Monroe and Greenbrier, and the smaller herds of Fauquier and Loudon, better cared for than our men at Bull Run, probably because of their availability for profit after death, had for a century been driven to eastern markets, over these grassy plains. Flesh on the hoof, would have sufficed to keep McDowell's men in fighting condition, if the usual five days cooked provisions had been overlooked.



Precaution was left out of the account by General McDowell, and defeat ensued.

In his very full explanatory statements before the Committee on the Conduct of the War, General McDowell referred fairly to the fact, that we had no officer who had ever handled 20,000 men, and spoke modestly of the advantages he had enjoyed over his untravelled seniors, in seeing large bodies of foreign troops manœuvred, but he omitted to state that it was on gala-days only. His testimony would, on that point at least, have been complete and conclusive, if he had added that he had never commanded a company on parade, or a man in action, prior to what he euphemistically calls his "somewhat rapid promotion," and assignment to the command of the largest army which had ever been embodied in America.

Jomini says, "It cannot be denied that a man come from the staff may become a great Captain as well as another, but it will not be for having grown old in the functions of a quarter-master, that he will have the capacity for supreme command; it will be because he possesses in himself the natural genius for war and the requisite character. \* \* \* Those even of the respectable disciples of Euclid, who might be capable of commanding an army well, must, to do it with glory and success, forget a little of their trigonometry; it is at least the course that Napoleon has taken, whose most brilliant operations seem to belong much more to the domain of poetry, than to that of the exact sciences; the cause of this is simple, *it is that war is an impassioned drama*, and by no means a mathematical operation. \* \* \* Now for one hundred battles gained by skilful manœuvres, there are two or three gained by fortuitous accidents."

One qualified witness specified as a cause of the rout, "the want of a head-quarters somewhere on the field." There was a greater want—something wherewith to fill that head-quarters. McDowell's officers, when left to themselves, did well, driving the enemy, and winning a substantial victory, though many fought "without knowledge of war or fear of death." Two cases of interference on his part—his disposition of the batteries of Griffin and Ricketts, and his order to the N. Y. 14th to change direction, which precipitated their loss, despite the earnest, well-considered effort of General Averill to avert it—were of themselves sufficient to insure defeat.

"He dealt on lieutenantry  
And nothing knew of the great squares of war."

Balzac forshadowed McDowell's Bull Run, when clothing, in *Livre Mystique*, his dreamy speculations with the imagery of the battle field: "*Il me semble que nous sommes à la veille d'une grande bataille humaine. Les forces sont là; mais je n'y vois pas de general.*"

General McDowell swore that if Johnston "had 40,000 men, I had the whole of them on me." No such smothering force was required. Johnston's little finger was thicker than McDowell's loins. If he had arrived earlier, McDowell's defeat would have been immeasurably worse than that which he secured for himself, with Johnston's best assistance at the eleventh hour. General Johnston, who combines Wellington's rapid tactical *coup d'œil* with Napoleon's intuitive genius for discovering the enemy's weak point, and bursting through it, crushing both wings in succession, or if strong enough, at the same moment, would not have been long in finding the gap, to which General Keyes referred, between his command and Sherman's, which certainly neither he nor General Sherman would have left if not controlled by superior orders.

General Keyes in reply to the question, "To what did you attribute the disaster of that day?", said: "To the want of 10,000 more troops—that is, I think if we had 10,000 more troops than we had to go into action, say at eleven o'clock in the morning, we should certainly have beaten them. I followed along down the stream, and Sherman's battery diverged from me, so that it left a wide gap between us, and 10,000 more men could have come in between me and Sherman which was the weak point in our line, and before Johnston's reserves came up it would have been won. I thought the day was won about two o'clock; but about half-past three o'clock a sudden change in the firing took place, which, to my ear, was very ominous. I sent up my aide-de-camp to find out about the matter, but he did not come back."

Many a weary union soldier writhing under humiliating defeat, bitterly recalled Sarsfield's frank offer, on realizing the emptiness of the man in whose cause he had reddened the Boyne with fraternal blood: "Only change kings, and we will fight the battle over again."

If there had been a woman near, she might have been held responsible for the disaster with as much plausibility and good conscience as Adam—the first, if not the greatest, sneak on record—transferred to his companion the odium of that first disobedience



which "brought sin into the world with all its woe." Adam only wished to save himself. The same natural desire led General McDowell into crooked paths before he knew where they would lead him. His field of selection was large. Adam was limited to one timid creature, as much out of place in strife, as were General McDowell's batteries in that exhaustive reconnaissance which left them in the hands of the enemy. He did not mean to abandon Eve without an effort, as McDowell did his guns. As soon as he gathered courage in the shelter of her *pro forma* petticoat, he came to the rescue, with that subtle implication which underlies General McDowell's official report: "The woman whom *thou* gavest with me, gave me of the tree and I did eat." He had merely eaten, as men still do, asking no questions for conscience sake, whatever a woman gives them. Adam, in the long run, came off second best, as did General McDowell.

When McDowell's legions went across the Potomac, "in gay theatric pride," nothing of the pomp and circumstance of war was wanting to make the marvellous assurance of their untried leader "double sure." The plaudits of beauty cheered them on to their great duty. When their own guns were turned upon them, and most of them were left without intelligent control, to fight or run, as might be most agreeable to them, the stragglers met prompt sympathy and succor, from the sex, "last at the cross, first at the sepulchre," for whose gentle ministrations man yearns "when pain and anguish wring the brow." The perfumed kerchiefs which had waved them on to unanticipated disaster, were saturated with eau-de-cologne, and bound around the heads of famishing men, most of whom would have preferred a little whiskey. The best instincts of the sex controlled it then, as on all occasions grave enough to demand their exercise. Its versatility was displayed as soon as the hospitals were emptied. Many, who had been most devoted by the couch of suffering, availed themselves of the facilities proverbially afforded idle hands, by an illustrious personage always in office, and went back to mischief. Some of them are at it yet. Women have brought mischief, with men, into the world, from the first to the last syllable of recorded time, and have taken the consequences, cheerfully and gracefully.

General Joseph E. Johnston did enough to defeat a dozen McDowells; but General McDowell's considerate courtesy prevented

all reference, in his report, to an obvious truth, which might have inflicted an additional pang on the self love of our people already stung to the quick. Without Adam's easy resource, and conscious that he must go beyond his lines for a scapegoat or face popular clamor in his own person, he chose his victim with characteristic ingenuity. General Patterson, though he had served as an officer of the regular army for years before General McDowell was born, was, when selected by General Scott, at the outbreak of the rebellion, for the command of a department, a mere militia officer. He was in his seventieth year and if he had fulfilled General McDowell's reasonable expectation that he should soon pass hence, there would have been an end of him, and of the odium created for him.

We do not propose to re-open the controversy as to the causes of the disaster at Bull Run. We allude to it, only because it furnishes the key to the malignant pursuit of General Porter by General McDowell. Porter was Patterson's chief of staff, cognizant of all his plans, and cordially approving his conduct of that campaign. To condemn effectually Patterson's strategy, it was necessary to dispose of Porter. He was in the full flush of early manhood, commanding the confidence and regard of his fellows. The maiden promise of brilliant service in Mexico, had been redeemed with mature judgement in Texas. His courage, capacity and professional skill, could not be gainsaid, but it was safe to let slip upon him, not "the dogs of war," but that other variety, who, avoiding unnecessary contact with the enemy, discharged their conscience by barking at the heels of every officer in the field, whose achievements were not sanguinary enough to feed their carnivorous loyalty.

This was the motive for the crime committed against General Porter. Where was the motive for the crime against himself and his country with which the conspirators sought to charge him? Those who found their account in halting between two opinions, did so at the outset or while the question of ultimate success was an open one. It was no longer so when Porter was charged with treason. Every waiter upon Providence could then see that disloyalty was at a discount.

His name impelled self-respect. He derived his blood from a gallant ~~soldier~~, the brother of Commodore David Porter, and a mother who had, underlying the gentle graces of womanhood, the strong moral fibre which makes manhood, warp and woof.

*Sailor*

His first campaign was in Mexico. He took a conspicuous part in every action on the lower line, from Vera Cruz to the Belen Gate, where he was wounded. He was brevetted "Captain, September 8th, 1847, for Gallant and Meritorious Conduct in the Battle of Molino del Rey," and Major five days afterwards, "for Gallant and Meritorious Services in the Battle of Chapultepec." His uniform good conduct attracted the regard of older soldiers, who selected him thereafter for arduous services requiring brain and nerve.

His first service in the Civil War was the bringing off, single-handed, from Texas, of the troops General Twiggs had arranged to abandon, with large material of war, to the rebels. Ordered to Washington for consultation, he prepared his own instructions, which were approved by General Scott. Foreseeing what was before us, Porter inserted discretionary authority, to take such steps, in the event of the secession of Texas, as should prevent the clothing, arms, ammunition and other public property, from falling into the hands of the rebels. Mr. Buchanan's Secretary of War, Joseph Holt, afterwards Judge Advocate General, then holding extreme State-rights opinions—the direct antipodes of his later theories of government—refused to give such authority, as "he would not indicate anything showing that he supposed any State would attempt to secede." He was fully advised as to the pending negotiation, and Twiggs effectually disposed of his time-serving theory, by surrendering troops and property to the commissioners of Texas, before the arrival of Porter with one hundred and twenty recruits, at Indianola, March 4th. With a much superior force, well-armed, and, through the courtesy of General Twiggs, provided with ample munitions, they demanded the surrender of the steamship, with all on board, including \$40,000 in gold. Porter replied that he had made arrangements to defend the ship, and would, if necessary, throw the gold overboard. The commissioners, ignorant of the strength and character of his force, temporized. Porter secured for \$13,000 the *Star of the West*, to take such troops and batteries as could not be got on board the *Webster*, and by night all were under way for the North. He rescued between four hundred and five hundred men, with Stoneman's cavalry company. Mr. Buchanan's administration wished to secure old soldiers enough to garrison Key West and Tortugas, both empty and in imminent danger of capture. Porter landed a company at each, made such other dis-

positions as he deemed necessary, and arrived at New York, with the residue, about April 5th.

General Scott, who had not altogether lost, on the down-hill of life, his tact in the selection of suitable men for service, telegraphed, in characteristic phrase, an order to General Patterson, commanding the department of Washington, which had been extended to include the States of Maryland, Delaware, New Jersey and Pennsylvania: "Absorb Fitz-John Porter if he comes within your reach." As Adjutant-General of that department, and subsequently of the Army of the Shenandoah, Porter rendered large assistance in the conversion of good raw material into patient, steady, enduring soldiers, the names of many of whom, living and dead, are cherished throughout the length and breadth of the land.

The Count de Paris thus describes Porter's first armed encounter with some of those who had stood shoulder to shoulder with him in Mexico. "On the 2d of July he (Patterson) forded the Potomac at Williamsport, and eight kilometres beyond that point, on the borders of the stream of Falling Waters, his advance met a brigade of the enemy's infantry commanded by General Jackson, who was subsequently to acquire such great celebrity, and the cavalry of Stuart, a friend of the latter, doomed to perish like him, while leaving a reputation almost equal to his own. The first feats of these two illustrious officers, in behalf of the cause they had just espoused, were not fortunate. Cut up by the Federal artillery, which was better served than their own, they were obliged, on the arrival of Abercrombie's brigade, to beat a speedy retreat, only stopping at Bunker's Hill, between Martinsburg and Winchester, where they found re-inforcements forwarded in haste by Johnston."

Many, whose heads are shot with gray, recall his marvellous ubiquity, knightly figure, and inspiring bearing, as he sped over that field of partially cut wheat, never to be harvested, on the bright July morning when the ball was opened at Falling Waters. His superb horsemanship lifted the animal into close communion with himself, making him the base of a centaur, instinctively alive to all he had to do, while Lieutenant Perkins at the little blacksmith shop interchanged arguments, under the eye of the commanding general, with the confederate battery of rifled guns, four hundred yards down the straight, hot turnpike, under Rev. Mr. Pendleton, who did credit to his West Point training, though in error as to his proper colors. Jackson stood beside him, his curious figure in the repose of apparent indifference, awaiting the result as



calmly as at Bull Run, where, before the month was out, he earned the name which could not die with him.

A Philadelphia merchant, quarter-master of the brigade with which George H. Thomas—*Primus inter pares*, assigned to it by General Patterson, while only a junior major of cavalry,—gave bright promise of his glorious after career, will remember his reluctance to execute the order of Colonel Porter to burn the captured tents, camp equipage, etc., and his unavailing effort to save, despite the want of transportation, one tent, never used, which bore the name of “Colonel T. J. Jackson” and the inscription of its gift by “the ladies of Berkeley Co., Va.”

Mr. Speaker Randall, then a non-commissioned officer of the First Troop Philadelphia City Cavalry, (a corps whose founders learned the art of war under Washington, whose flag became the flag of the revolted colonies, and whose members never failed to uphold that flag gallantly, when the opportunity was fairly offered them), would have been a competent witness as to the conspicuous absence of treason in the outward conduct of Colonel Porter on that field. The survivors of his gallant comrades, thirty-nine of whom afterwards received commissions in the army, could have borne equally emphatic testimony.

Boys forgot their own danger—escaping the uncomfortable trepidation which visits most men on their first field,—in their admiration of his dazzling intrepidity. His only failure was in spurring his horse against a fence which the proud brute could not leap, the attempt resulting in an ugly injury to himself.

The best blood of the adhering States was there, in arms for the union—old organizations with luminous records of past service, and new ones whose rank and file would have been fit founders of commonwealths. The country would have accepted their verdict in any case, and in Porter’s it would have been one of unanimous acquittal.

Fitz-John Porter was either an honest man, or a consummate actor, endowed with powers of deception never so successfully exercised since “Lucifer, son of the morning” fell. He kept up the deception—if deception it were—on the more sanguinary fields where he won the yellow sash.

If the pertinacious pursuit of Porter by McDowell and Pope, so superior to their onslaughts on the common enemy, had proved fully

successful, and he had been shot, the men of the army of the Shenandoah, and of the Fifth Corps, would have protected the reputation and brought its assassins to justice. The rank and emoluments conferred as rewards for their inexpensive loyalty would have availed them as little as the thirty pieces of silver did the swift witness of old. Should a call be made to-morrow for volunteers for perilous service, the survivors of that corps and army would spurn the blandishments of McDowell and Pope and fall in behind their stricken victim. Lubricity rarely loses its market value with civilians, even when in obvious overstock; but soldiers, who have measured their superiors under fire, never fail, when again called upon to take their lives in their hands, to appreciate the worth of

“A soldier, fit to stand by Cæsar,  
And give direction.”

When Porter was stricken down, no man of his age, had rendered more—few so much—effective service. He was a soldier by inheritance, by intuition, and by education. His peculiar fitness for that profession was known of all men. He believed himself fit for no other. He loved it and expected to die in it. He had won distinction beyond the wildest dream of boyhood. What could have induced him to falsify the record of his past life, and sully a historic name which he was to transmit to children growing up at his home?

The unavoidable concession of personal courage and professional proficiency, deepened the infamy of his alleged crime. Arnold, removed from command and under arrest, did for the John Pope of Saratoga what he could not do for himself; but neither Quebec nor Saratoga can obliterate the foul record of his baffled treachery at West Point. If the charges made at the instance of General Pope by his Inspector-General, and sustained by the perilous oaths of Generals McDowell, Pope and Roberts were true, General Porter was, with less provocation, guilty of a crime of deeper dye than Arnold, a crime for which the contemplated forfeiture of his life would have been an inadequate penalty. Stripped of verbiage, they were that Fitz-John Porter, a capable soldier, distinguished by the President with the highest brevet rank he could confer, purposely evaded or delayed the execution of an order, delivered to him in season, to insure the defeat of the Federal army, that his personal friend might be reinstated in command. He was accused of



shameful gambling with the blood of men who loved him and cheerfully followed him to death, in the cause he professed to espouse.

Delay, always dangerous to those who seek bad ends by bad means, would have been fatal if time for reflection had been given when such a charge was brought against such a man. The mind of the Secretary of War had been poisoned and he had pre-judged the case. An able, dogmatic lawyer, he knew nothing of the *personnel* of the the Army, and very little of human nature. His revolutionary instincts had for a time been held in check by the conservatism of his professional education. Conscious of intellectual superiority, strong in will, and wielding power without ascertainable limit, the Carnot of the Rebellion looked to the Presidency as his right, and took the shortest road to attain it, paying small heed to law or the forms of law.

His predecessor, a gifted reader of men, blessed with a better balanced mind, was then, to the great detriment of the Union cause, in honorable exile in Russia, in obedience to the behests of a faction of his own party. His retirement from the War Office may fairly be said to have cost the nation two additional years of internecine strife, with their lavish expenditure of men and money. Whatever may have been the political sins of Simon Cameron's long and active public life—and many officials are obnoxious to criticism on that score—it cannot be denied that he gave to every general in the field, the cordial, energetic support they sorely needed, and rarely received from other civilians. "Rich in saving common-sense," undazzled by the glamour of a nomination for the Presidency, and therefore indifferent as to the prestige of a possible drum-and-fife nominee on the other side, he measured from the outset, as neither Mr. Lincoln nor any other member of his cabinet did, the magnitude of the long-deferred conflict, and addressed himself vigorously to the work of putting down rebellion with the strong hand, deferring till a more convenient season all expression of sentimental emotion and all diplomatic palaver.

The announcement of the court before which General Porter was to be arraigned, left no doubt on the mind of any one familiar with the ductile material of which it was in part composed, and the deep-seated prejudices of its honest and able members, that it was framed for conviction. When the detail was shown by Mr. Stanton

to one of his assistant-secretaries, he said what crossed many minds, on sight of that extraordinary array: "That Court will condemn General Porter with or without evidence." The Secretary made no response. The selection had been made by "a power behind the throne, greater than the throne itself."

Fitting witnesses were not wanting.

When England crowned her centuries of cumulative crime against Ireland, hounding to death or expatriation her best and ablest sons, for the increaseful crime of their nativity, she used similar machinery. Curran, in an eloquent effort to rescue the spirit of law from the fangs of those charged with the administration of its forms, described the instruments of power pursuing a wretched felon, as he sank in the descending scale of degraded humanity, until he stood at bay in the last and lowest resorts of vice. Once in their toils, "he was immured in the lowest dungeon of the castle, till his heart festered and rotted within him, when they dug him up, an informer."

Constructive treason was conclusively established by the uncontradictable testimony of one witness, who, during a single interview of ten minutes, saw it in Porter's eye, as plainly as the snake is visible in that of the horse, recently on exhibition. Lieutenant-Colonel T. C. H. Smith, of Pope's staff, swore that Porter treated him politely, but that he was so well satisfied by an indescribable sneer in his eye, that he would "fail Pope," that he "would shoot him that night, so far as any crime before God was concerned, if the law would allow me (him) to do it." As this clairvoyant was never known to do any of the rebels a mischief, or indicted for murder by the name he bore in the army, it may be assumed that his homicidal mania exhaled through the scoriæ of that slight spasmodic eruption, and that General Porter may hereafter keep his evil eye open or shut at pleasure.

The conduct of the investigation was in keeping with the conditions under which the court was organized. The Secretary of War refused Porter permission to send his aids to Fredericksburg to find witnesses then on duty there. Letters to and from them and others, were opened and the contents withheld. Rings rarely leave behind them anything which can be used to their prejudice, or for the rescue of their victims. The files of the War Department have been thoughtfully relieved of many papers, which might

have thrown light upon history, and its opposite upon individual actors.

The order for the Court-Martial of which General David Hunter was the fit President, directed the dissolution of "the military commission convened for the trial of Major-General Porter, on charges preferred by Major-General Pope." No authority of American law can be found for the constitution of such tribunals, but Mrs. Surratt was murdered by one. Judge-Advocate General Holt sought to relieve the conspirators of inevitable odium, when he said in open court, December 3d, 1862: "The accused refers to the order appointing a military commission, in which it was recited that it was to try charges preferred by Major-General Pope. In point of fact no charges ever were preferred by him. That commission was dissolved, and this general court-martial appointed by virtue of this order." The Ring had an illegal commission—eight days old when dissolved—ready to dispose of General Porter, but could produce no charges, General Pope's heart having failed him. The cart was before the horse, like McDowell's batteries at Bull Run.

It is a task of no ordinary difficulty to reconcile General Pope's statements with each other, and the student of history may be misled by accepting either of the following emphatic assertions. General Pope swore December 5th, 1862, (P. 23. Part 1st. Last edition.): "I have not preferred charges against him. I have merely set forth the facts in my official reports which embrace the operations of everybody else connected with that army, as well as of General Porter. \* \* \* \* I do not know of my own knowledge who exhibits these charges. \* \* \* \* " On the 22d of May, 1865, he wrote Honorable B. F. Wade, Chairman of the Joint-Committee on the Conduct of the War: "I considered it a duty I owed to the country to bring Fitz-John Porter to justice, lest at another time, and with greater opportunities, he might do that which would be still more disastrous. With his conviction and punishment ended all official connection I have since had with anything that related to the operations I conducted in Virginia."

If Pope had, as was intended, brought the charges, it would have devolved on the President to order the court—securing certainly a larger body, probably a more impartial one—and his Inspector-General Roberts fathered them. Pope himself was but a soiled glove on the nervous hand of Irvin McDowell, the Mephis-

topheles of the darkest episode of that dark period of our national history.

McDowell knew when "to strike the sounding lyre." His touch was not a light one. Cremonas could be laid aside when cracked, and a full orchestra substituted, with such a vast magazine of brass and wind instruments at command. The hand of a master, without weakness of heart, or scruple of conscience, was felt throughout.

Carefully educated, as the popular mind had been, to accept reckless tyranny for loyalty, some public apology was felt to be due for the construction of that unique engine of arbitrary power. It was officially made by Major-General Halleck, in the order detailing it: "No other officers than these named can be assembled without manifest injury to the service." Two gentlemen sat as judges, who had borne arms at Bull Run, and were still smarting under the humiliation inflicted upon them by superior incompetence. The singular adaptation of means to ends shown by General McDowell at the first Bull Run, was repeated at the second affair. He threw forward General Ricketts, afterwards detailed as a member of the Court-Martial, with a single division into Thor-oughfare Gap, only to be roughly handled and forced back by a superior force. It had been found necessary, in order to procure the smallest number of members with which a court-martial can be lawfully organized, to take an officer better fitted for service as a witness, and the government called him from the bench to the witness stand. One old regular officer, whose inherited instincts revolted at the service required of him, was relieved and a Brigadier General, till then unknown to fame, bearing the expressive and suggestive name of Slough, was detailed in his place.

The Specification most damaging to Porter at the time, and still exercising a vague mischievous influence, imputing "unnecessary slowness," "falling back," "delays." "drawing away," charging "that he did finally so feebly fall upon the enemy's lines as to make little or no impression on the same," and asserting that "he did not make the resistance demanded by his position," was withdrawn by the Judge Advocate without permitting him to adduce ample proof, ready on the spot, to refute it, but persistently retained by that crafty lawyer as part of the record, that it might contribute to his downfall.



On the 6th of January, the following communication was read to the Court.

*“ War Department, January 5th, 1863.*

GENERAL : The state of the service imperatively demands that the proceedings of the Court over which you are now presiding, having been pending more than four weeks, should be brought to a close without any unnecessary delay. You are therefore directed to sit without regard to hours, and close your proceedings as speedily as may be consistent with justice and the public service.

Yours truly,

EDWIN M. STANTON,  
*Secretary of War.*

MAJOR GENERAL HUNTER,  
*President, etc. etc.*

The final session was held on the 10th of same month. On that day, after hearing the defense of the accused, and the remarks of the Judge-Advocate, the Court found General Porter guilty of both charges, of four specifications in whole, and of two in part, and sentenced him, “ to be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States.”

The original design was to shoot Porter, but the Holy Vehme lacked vigorous iniquity to bring forth what had been conceived in sin, or their plans were modified in deference to the integrity and self-respect of a majority of the members of the Court, or to the idiosyncrasies of the extraordinary man then at the White House. The task of getting the President’s approval of the sentence was assigned to Mr. Joseph Holt, who saw that he could best effect his purpose by letting him know as little as possible.

While a member of Congress, Mr. Lincoln paid little attention to the claims of society. He devoted himself to the discharge of public duties and those devolving on the “Eight Indians,” a volunteer committee raised to make General Taylor the Whig nominee for the Presidency in lieu of Mr. Clay, of which the late Vice-President of the Southern Confederacy is believed to be the only survivor. These lacked sufficient friction to reduce his sharp points. When he took the reins the pressure was greater. State Rights, of which he had been an ardent and able advocate—State Rights incarnate and run mad—had crossed the Rubicon and threatened to march on Rome. Called to govern a republic, which had for more than a quarter of a century been steadily tending to disintegration,

he took office under the forms of law, and in accordance with its spirit, while in a minority of a million of voters. Many thoughtful, and more despondent men regretted the votes cast for him, when the election fireworks were over.

The frantic fire on Sumter gave him his first real strength with the people. The masses of his growing party stood to him as one man, and the flower of the Democratic party, following the patriotic example of the War Federalists in 1812, rallied promptly in support of the Constitution and the lawfully-chosen chief magistrate. That party furnished its full share of the brain and blood which did the work of salvation. Strong thenceforward with the masses, he received little aid from those of whom he had most right to expect it. His first hour of conscious isolation was his beginning of strength. With the sad conviction forced upon him, that he could no longer lean with confidence upon man or woman, he put himself upon "God and the Country." Neither deserted him.

Men of the woods or the prairie may remain through life men of few ideas, but these will be in keeping with the grandeur of their early surroundings. Abraham Lincoln, one of the most remarkable products of virgin soil, was improved by transplantation. His mind was growing vigorously when the assassin's ball arrested sensation in his teeming brain. He was undervalued by those nearest him. He looked through most men, and enjoyed the self-sufficiency which sought to ignore him. His Secretaries, who in 1864 intrigued for the party nomination which should have been loyally yielded to their chief, were left to the quiet enjoyment of their illusions. He sometimes advertised them that he was aware of their treachery, by a trenchant witticism, better unuttered. Many who enjoyed the wit more than the taste of his jokes, little thought that he was merely amusing his audience, while choosing those with whom he might serve his own purposes or the country's needs.

Justice may be done to the dead without invoking harsh judgment upon the living. Such abstinence is commanded by the common law of humanity—the great legacy of chivalry, the greater endowment of Christianity.

Captain Pope joined the Presidential party on its way to Washington, and is credited with the boast that he would "make a ten strike." He did, and the country staggered under the blow. Birds of prey and birds of passage flocked in. "Reptiles that



crawl where man disdains to climb," swarmed around the new occupants of the White House. The large generous ears of Mr. Lincoln afforded no inlet, his honest heart no resting place for the suggestions of self-seekers. His simple nature threw off incongruity as healthy stomachs do certain poisons.

The father of lies reached Adam's heart, by promising the mother of mankind equality with God and immunity from the consequences of a violation of His law. His consummate tact selected the primeval serpent, clad in colors pleasant as a West Point uniform to the eye of budding womanhood. The lineal successors to the first tempter followed in his footsteps, each telling his own flattering tale—all singing, in sibilant chorus, the old refrain: "Ye shall not surely die." An amiable weakness was flattered into mischievous strength.

Their ends accomplished, they forsook their victim, whose butterfly existence lapsed into mental gloom, when the curtain fell on that Good Friday night, dark for the North, yearning for peace and restored union, darker for the desolated South, darkest of all for the abruptly enfranchised negroes. The pilot who had weathered the storm, and had the ship well in hand, went down in the open roadstead. Nothing of the hurricane remained but distant rumbling thunder. God's bow was set in the cloud. A faint line of brightening blue pervaded the West. The heavens gave promise of a gorgeous sunset, and a serene sky on the morrow, when from a cloud no bigger than a man's hand came the bolt which closed for earth a life, whose value to the country, when her needs transcended those of the darkest hour of dubious strife, would never otherwise have been known.

Mr. Lincoln could have led, without substantial opposition or appreciable desertion, the dominant party, where it would have followed no other man. He was the Moses of the negroes, sent, as they believed, to lead them out of the wilderness. Losing him, they never again looked for the pillar of cloud by day, or of fire by night. They wandered hither and thither, seeking manna, and finding none. If it had fallen like the dew of heaven, they would not have gathered enough to have incurred the smallest risk of its spoiling on their hands. White men eat the quails. While their old masters cared for them to the extent of their diminished means, and the body of the American people wished them well, they were

in effect left to the worst elements of both sections. Equal rights before the law neither filled the stomach nor enlarged the mind. If they had had the "mule and forty acres," many would have sought guides of the superior race, to tell them when to plant and when to gather in. The traditions of bondage brought from the birthplace of slavery, and strengthened here, were nullified for a time by the implicit faith with which they transferred to one they had never seen, the child-like confidence and willing obedience yielded of old to masters who had gone to the field or the grave. Bereft of hope, by the frenzy of a new Ravallac, they lost faith. Many returned to Fetichism.

Christendom stood aghast at seeing four millions of a kindly, docile, imitative race, whose fathers had been forced, as slaves, upon the colonies, against the protests of the colonists, in pursuance of the comprehensive policy of the British government, always on the lookout for income, which, in spite of similar protests, crammed opium down Chinese throats with the bayonet—a race whose patient labor, with no return beyond clothing, subsistence and efficient care in sickness, had, under intelligent supervision, revived the garden of Eden in the South and built up the cities of the North—suddenly transmuted from chattels into American citizens and then, unprovided, turned loose to shift for themselves. If Mr. Lincoln had lived, they would not have been left uncared for, to find their way between Scylla and Charybdis, or be ground to powder between the upper and the nether millstone,—Northern greed and Southern despair.

When the President found that the personal loyalty, which had proved steadfast in poverty, was wavering in prosperity, he retired within himself, keeping faith with the offender. The fine gold in the quartz of that odd conglomerate, shone with increasing splendor in his hour of desolation. The lines of his sad face became deeper. The shadow of the end—near at hand—was upon him. He was, indeed the "Knight of the rueful countenance," but true knight-hood was there loyal to the last.

The Court disposed of, the President was to be looked to. Popular feeling, unstable as water, and dangerous in its "fierce reflux," was not to be cheated of a rich sacrifice. Mr. Holt proved equal to the task of deceiving the over-worked and painfully pre-occupied Executive. He lacked no requisite for the delicate service. Con-

tinuous tergiversation, in which he combined clearness of conception with rapidity of execution, had qualified him for a wide range of employment. Entering public life a disciple of the Calhoun school, he became, while Vicar of Bray, an Imperialist. Before he earned a national reputation, some indigenous St. Patrick—shall we say Beriah Magoffin?—sent him to Washington in atonement for the sins of his native State, or in punishment for those of the nation; and he flourished there with the vigor and venom of rattlesnake and copperhead, moccasin and cottonmouth. The fighting State, which sent representatives to each Congress, and whose Governor boasted that the draft did not concern him, as “Kentucky’s quota was full on both sides,” had in the Kitchen-Cabinet a non-combatant, a “Veiled Prophet.” Servile alike to Buchanan and Lincoln, he would, in the corresponding period of English history, have been the brain and tongue of church and state under successive rulers, beginning with Laud, passing through all gradations of dissent to the Fifth Monarchy men, and then rebounding through the varieties of the Restoration. He would have been equally at home complimenting Oliver on “Son Ireton’s” conduct of affairs in Ireland, and in lucid exposition of the gain to the cause at Dunbar, by force of the “word”—“The Host of the Lord,”—while the Scottish army only had “Covenant,” for countersign, in a ready exhibition of the advantages to accrue from a bold assertion of prerogative, “the right divine of kings to govern wrong,” or in the preparation of a hand-book of etiquette for the female *etat major* of Charles Second, in which “intercommunings of spirits,” should be intermingled with appropriate physical diversions.

The paper submitted at the request of the President for a statement of the facts of the case and the law governing it, which bears internal evidence of having been prepared for the court, though not read to it, was the adroit plea of an unscrupulous prosecutor. It will be found in the proceedings of the court, (page 280, last edition,) and will repay careful study. We subjoin a paragraph which would seem to indicate that the wily politician had turned in despair to the creed of the new sect, whose only successful exemplification of its power, has been in making chairs and tables play the part of inebriates. “It is a life-long experience that souls read each other, and that there are intercommunings of spirits through instrumentalities which, while defying all human analysis,

nevertheless completely command the homage of human faith. Great crimes too, like great virtues, often reveal themselves to close observers of character and conduct as unmistakably as a flower-garden announces its presence by the odors it breathes upon the air. The witness may have misconceived this 'look,' but from the calamities likely to follow such an act of treachery, if indeed it was then contemplated, it must be admitted as altogether probable that the shadow of such a crime struggling into being would have made itself manifest." (Page 283.)

The attention of the President was not called by Mr. Holt to the insufficiency of the doom for the crime of which Porter had been convicted, or to its anomalous inclusion of civil disqualification which a military court could not inflict.

The President, whose success in life was due to genius and humor rather than learning, bowed to his *ipse dixit* and affixed his signature. The country, agonizing under the apprehension of threatened dissolution, paid little heed to violations of law or individual suffering.

Thwarted by the conspirators, deserted by time-servers, and denounced by many honest, thoughtless men, General Porter addressed himself, vigorously as he had confronted the public enemy, to the rescue of his name from the doom of perpetual infamy. He owed its deliverance to those who had borne it in honor to the grave, to her who had relinquished her own to accept it, to their children, not yet cognizant of its worth, and to those who must, without election, bear it through all time.

The blood which dyed the heather of Scotland and the turf of Ireland for freedom of opinion, asserts itself, as occasion may require, from generation to generation.

Those who had procured his condemnation, were successful under three successive administrations, in frustrating all his efforts for a rehearing. On February 21st, 1870, Senator Chandler offered a resolution, requesting the President to communicate to the Senate any recent correspondence in his possession in relation to the case of Fitz-John Porter," delivered a prepared speech "to vindicate the truth of history," and then withdrew the resolution. In that speech he asserted that Pope was put at the head of the army to rescue McClellan, by "fooling correspondents," "fooling the country," "fooling the rebels," etc. Hon. Henry Wilson, chairman



of the Senate committee on military affairs, reiterated his opinion that Porter was entitled, in the light of after discovered evidence, to a rehearing. Mr. Chandler, forgetting the example of Britain's great orator who said, in 1848 when statesmanship was exerted to avert war: "The angel of death is passing over the land. I seem even now to hear the flapping of his wings," asked tauntingly, "*what business was it to him whether he was cut to pieces or not?*" Few men entirely divest themselves of individual interest when that sort of carving becomes directly personal. Porter, even if ambitious of harikari, would have found Mr. Chandler's ethics a poor plea in mitigation, if he had suffered his corps to be "cut to pieces," leaving the army in a worse position than that in which it was placed by General Pope. He quoted as one of "the true facts of the case," an alleged assertion of General Lee's engineer in chief (not named), that Longstreet was not on the field until the morning of August 30th. It is now clearly in proof that Longstreet was there on the 29th with 25,000 men, (Anderson joining him with his division next day) before Porter arrived with 9,000 men. Porter's disposition of his inferior force on that day, when, according to the theory of the prosecution, he was sulking like Achilles in his tent, is now conceded to have held Longstreet—not a man of sedentary habits—from putting Pope's army to rout. Mr. Chandler said in the speech: "There is one other point to which I wish to allude. During the very pendency of the trial, Fitz-John Porter said, in the presence of my informant,—who is a man most of you would believe, and who is to day in the employment of Congress, and whose word I would take as soon as I would most men's, though I told him I would not use his name, but I will give sworn testimony taken down within two minutes after the utterance was made.—Fitz-John Porter said in his presence, 'I was not true to Pope and there is no use in denying it.'" General Porter in a letter published in March, 1870, characterized this statement as "false in every particular," but the affidavit was not produced.

"Our army swore terribly in Flanders." Leasing making, once an indictable offence, had become the corner-stone of a creed, and its active practitioners the chosen recipients of congressional favor. During the French Revolution it ranked among the exact sciences. Its great apostle died half a century afterwards, a pensioner of the



Bourbons, wasting no avoidable thought upon the prudish comment of Macaulay: "A man who has never been in the tropics, does not know what a thunderstorm means; a man who has never looked on Niagara, has but a faint idea of a cataract; and he who has never read Barere's memoirs, may be said not to know what it is to lie."

Mr. Chandler is no longer here to make General Porter reparation for giving credence and currency to the profitable testimony of a nameless witness, who in the light of to-day could not command belief in an asylum for the feeble-minded.

All honor to President Hayes for responding to the instincts of fair play. Honor the more, because he served under General Pope, and retains confidence in him as a soldier and a man of veracity.

General Pope had put himself on record over his own signature, in protest against a new trial, but nothing could induce him to re-affirm under peril of cross-examination, "compassed about with so great a cloud of witnesses," his theory of General Porter's treason. He had told his story often enough and with all the variations of which it was beneficially susceptible. General Porter, in selecting a Kentucky Bullitt as one of his counsel, had a keen eye for merit in the militia. General Pope knew that "every bullet has its billet," and, disliking the whole thing, *re et nomine*, kept clear of it. For the first time in their mischievous special partnership of sixteen years, his selfish instincts were more acute than those of General McDowell, whose argumentative "*non mi ricordo*" testimony before the Board yielded the reluctant admission that he had, within "fifteen minutes," discovered the truth as to an extract from General Jackson's report, repeatedly quoted by him, which the sentence immediately preceding would, if charitably given to the world, have shown to be inapplicable as used by McDowell to Porter's injury. Neither his cunningness of fence nor the technical objections skillfully interposed by the Recorder, availed to save him from that terrific impalement when he was driven back piece-meal upon truth. Mr. Choate may justify to his own conscience and the public mind, his metaphysical cruelty during that painful process, but if the Recorder had succeeded in adjourning the Board to New York, on pretence of relieving it from the prejudicial effect of partisanship alleged to exist at West Point, the best-informed community on military subjects in the United States, Mr. Bergh must have broken a lance in McDowell's behalf or abandoned the

lists as the champion of animalcular comfort. As Major Asa Bird Gardner came again and again to his rescue, General McDowell must have realized the comfort of momentary exemption from acute pain, and thought with the bard of Avon: "'Tis sweet to list to the notes of a soft recorder."

Stonewall Jackson repeatedly spoke with a soldier's keen admiration of Porter's masterly work on August 29th, as he did of that of Franklin,—no longer, unhappily for the country, wearing the uniform of the honorable profession he adorned—who, at Frazer's Farm, with a much inferior force, by a skilful use of the shelter afforded by the natural face of the country, inflicted a rare defeat upon "the Right-arm of Lee."

His habit was to finish fighting before reporting. He seems to have regarded Pope's Bull Run as a mere incident of the campaign. The caption is: "Report of operations from 15th August to September 5th, 1862."

He introduces his account of the severe combat in which Porter with a small corps fought his army so desperately—volleys being delivered with but ten paces between the lines—as to bring Longstreet to Jackson's aid, Jackson frankly saying that he would otherwise have called for re-inforcements, the very account persistently quoted by McDowell and Pope as referring to other portions of Pope's army on the 29th, and as indubitable evidence of Porter's criminal inaction on that day, with these words: "On the following day, the 30th, my command occupied the high ground, and the divisions the same relative positions to each other and the field, which they held the day before, forming the left wing of the army. General Longstreet's command formed the right wing, and a large quantity of artillery was posted upon a commanding eminence in the centre." Here follows the stereotyped extract of McDowell and Pope: "After some desultory skirmishing and heavy cannonading," &c.

*Suppressio veri, suggestio falsi.* Was this singular form of color blindness, which withdrew from the public view the declaratory clause of a straightforward narrative, and the sedulous promulgation for nearly seventeen years of the garbled quotation, an unconscious error heedlessly perpetuated, or the grafted fruit of native improbity carefully cultivated throughout that long period?

In either event, I submit the propriety of retiring Major-Gen-

eral McDowell as a witness on the sufficient ground of disability from wounds received in service. When so invalided, he can ponder, at leisure, the question which perplexed another Major-General assigned to the command of a department where false-witness-bearing was the order of the day: "What is truth?"

The character of the officers composing the Advisory Board, assured General Porter a fair hearing. His unseen accusers had an equal advantage. They were no longer restricted to the residuum of one army. Skinner and cowboy came up to the work in double files, led by the most mischievous guerilla of the Confederate army, free of all restraint of principle or habit, neglecting civil duties abroad to discharge a Parthian arrow at a hated foe.

The apocrypha of the prosecution had been vivified by the reflective power of assertion. George Fourth's famous story that he led in person the charge that closed Napoleon's account at Waterloo, was not of a character to produce much impression upon his own mind when first put into circulation; but he must have come to believe it in part, before he ventured to repeat it for the information of the truth-telling Duke of Wellington. General Pope, if he could have been brought before the Board, might, with growing confidence, have re-affirmed his florid report of the intersected Battle of Bull Run: "We fought a terrible battle here, yesterday, with the combined forces of the enemy, which lasted with continuous fury from daylight to dark." And the still more remarkable P. S. to his dispatch of August 30th, 9.45 P. M.: "We have lost nothing, neither guns nor wagons." In his absence the members of the Board had to content themselves with the evidence of his chief of staff, that when the reports were dictated by General Pope, he suggested such alterations as in the P. S. should approximate to the facts of the case, he having seen some wagons and he thought some guns fall into the hands of the enemy. Colonel Ruggles was directed by General Pope to forward the report as dictated, in the purity of its virgin falsehood.

Before both bodies Porter invoked the fullest investigation, inviting and defying the most rigid scrutiny. It was at his formal request that the court-martial, after deliberation, decided to sit with open doors.

General McDowell was useless at the second as at the first Bull Run; his untiring efforts to reclaim the division of General King,

serving temporarily with Porter's corps, so exhausting his energies that his division commanders were left very much to themselves. He was quick to cover himself, as he had before been to "cover Washington." In his adroit use, on the 29th of August, of the 62d Article of War, and, for 16 years thereafter, of Jackson's account of Porter's gallant fight on the 30th, to prove his criminal supineness on the 29th, this politic military absorbent appropriated the tactics of *chevaliers d'industrie* with "the little cup and balls" at the race-course, with marked success, till his meretricious arts exhausted human credulity. General McDowell's well-considered testimony before the court-martial was "the substance of things hoped for, the evidence of things not seen. For by it the elders obtained a good report." Before the Board his genius failed him. The main force of his sworn argument lay in the recoil. That form of the disease known of old as "eternal hunger," aptly defined by General Scott as, "Pruriency of fame not earned," had become a camp epidemic. Many "walked the hospitals" successfully, and Generals McDowell and Pope were among its legacies to the country.

The morning of Pope's military life had been spent in advertising his own works, including the telescopic artesian wells of New Mexico, at the bottom of which Major Linnard sought in vain for truth. When female vanity, stimulated to the top of its bent, responded to the attraction of chemical affinity, the captain of engineers became, at a bound, brigadier general in the line of the regular army, and played the most audacious game of brag ever witnessed. Truth has been throughout life his Alexander the Coppersmith. They shrank from each other with sensitive avoidance, prompted by mutual dislike and the consciousness of a common capacity for mutual mischief. General McDowell, on the other hand, hoarded it with a miser's greed,—sometimes keeping it altogether out of sight, as he did his heavy reserves at Bull Run. A very moderate expenditure of truth in reporting the causes of his defeat there, would have rendered unnecessary the construction of that vast pyramid of subterfuges—the whited sepulchre which bids fair to become his monument. General Pope encountered an almost insuperable difficulty, in pervasive disbelief of his own planting. General McDowell suffers from the reaction consequent

on over-belief,—a too ready faith in his grandiloquent assumptions. He has advertised the world that

“Mere prattle without practice,  
Is all his soldiership ”

Aware of the difficulties which prevented the court martial from giving General Porter a fair trial, in the vitiated atmosphere of Washington, while the minds of honest men had been studiously embittered against him, and technical objections, skilfully interposed by an artful advocate, shut out vital truths, and properly on their guard against undue influence, from the reaction sure to follow cruel injustice, the members of the board say :

“We have made a thorough examination of all the evidence presented and bearing in any manner upon the merits of the case. The Recorder has, under instructions from the Board, sought with great diligence for evidence in addition to that presented by the petitioner, especially such as might appear to have a bearing adverse to the claims urged by him.”

Their graphic account of the action of the Fifth Corps against overpowering odds, on the 30th of August, was an act of justice due to the dead Reynolds, the dying Sykes, the living Warren, and the brave men who followed them steadily to defeat or victory ; and it will disabuse candid minds of any lingering belief that soldiers of that school would have countenanced the shameful avoidance of duty charged against the accomplished commander who controlled that action, if he had been weak and wicked enough to invite their guilty coöperation.

“As Longstreet’s army pressed forward to strike Pope’s exposed left wing and flank, Warren, with his little brigade, sprung into the Gap and breasted the storm until but a handful of his brave men were left alive. Then Sykes, with his disciplined brigades, and Reynolds, with his gallant Pennsylvania Reserves, seized the commanding ground in rear, and, like a rock, withstood the advance of the victorious enemy, and saved the Union Army from rout.”

Thus did this gallant corps nobly and amply vindicate the character of their trusted chief, and demonstrate to all the world that “disobedience of orders” and “misbehavior in the presence of the enemy” are crimes which could not possibly find place in the head or heart of him who thus commanded the corps.

Compare Porter’s terse, vigorous English, on August 29th, the day of his alleged treachery and Pope’s suppositious victory, with



McDowell's mellifluous iteration of apochryphal services, or Pope's turgid proclamations of abortive enterprise.

"General Morell.

Tell me what is passing quickly. If the enemy is coming, hold to him, and I will come up. Post your men to repulse him.

F. J. PORTER, Major-General."

And again, in reply to advice from Morell that they had better retire, &c.: "We cannot retire while McDowell holds on."

Treachery—all falsehood—is verbose and pretentious. Porter used the short, honest words of love and anger, which go to the heart and live in the memory.

The report of the Board is so clear in statement, and so logical in conclusions, as to preclude objection and constrain dispassionate minds to choose between the honest fulfilment of an obligation equally binding upon the nation with the payment of the war debt, make full and complete the tardy reparation still possible, for a too grievous wrong to a faithful public servant or wilful adherence to an erroneous opinion, long honestly entertained on defensible grounds, now proven by conclusive evidence to be without foundation in truth.

"These charges and specifications certainly bear no discernible resemblance to the facts of the case as now established. Yet it has been our duty to carefully compare with these facts the views entertained by the Court-Martial, as shown in the findings and in the review of the case which was prepared for the information of the President by the Judge Advocate General who had conducted the prosecution, and thus to clearly perceive every error into which the Court-Martial was led. We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

The fundamental errors upon which the conviction of General Porter depended may be summed up in a few words. It was maintained, and apparently established to the satisfaction of the Court-Martial, that only about one-half of the Confederate Army was on the field of Manassas on the 29th of August, while General Lee with the other half was still beyond the Bull Run Mountains; that General Pope's army, exclusive of Porter's corps, was engaged in a severe and nearly equal contest with the enemy, and only needed the aid of a flank attack which Porter was expected to make to insure the defeat and destruction or capture of the Confederate force in their front under General Jackson; that McDowell and Porter, with their joint forces, Porter's leading, had advanced toward Gainesville until the head of their column had reached a point near the Warrenton turnpike, where they found a division of Confederate troops, "seventeen regiments," which Buford had counted as they passed through Gainesville, marching along the road across Porter's front, and going toward the field of battle at Groveton; that McDowell ordered Porter to at once attack that column thus moving to join Jackson, or the flank and rear of the line if they had formed in line, while he would take his own troops by the Sudley Springs road and throw them into the enemy's centre near Groveton; that Porter, McDowell having then separated from him, disobeyed that order to attack, allowed that division of the enemy's troops to pass him unmolested, and then fell back and retreated toward Manassas Junction; that Porter then remained in the rear all the afternoon, listening to the sounds of battle and coolly contemplating

a presumed defeat of his comrades on the centre and right of the field ; that this division of the enemy having passed Porter's column and formed on the right of Jackson's line near Groveton, an order was sent to Porter to attack the right flank or rear of the enemy's line, upon which his own line of march must bring him, but that he had wilfully disobeyed, and made no attempt to execute that order ; that in this way was lost the opportunity to destroy Jackson's detached force before the other wing of General Lee's Army could join it, and that this junction having been effected during the night of the 29th, the defeat of General Pope's army on the 30th thus resulted from General Porter's neglect and disobedience.

Now, in contrast to these fundamental errors, the following all-important facts are fully established :

As Porter was advancing toward Gainesville, and while yet nearly four miles from that place and more than two miles from the nearest point of the Warrenton Turnpike, he met the right wing of the Confederate Army, twenty-five thousand strong, which had arrived on the field that morning and was already in line of battle. Not being at that moment quite fully informed of the enemy's movements, and being then under orders from Pope to push rapidly toward Gainesville, Porter was pressing forward to attack the enemy in his front, when McDowell arrived on the field with later information of the enemy and later and very different orders from Pope, assumed the command and arrested Porter's advance. This later information left no room for doubt that the main body of Lee's Army was already on the field and far in advance of Pope's Army in preparation for battle. General McDowell promptly decided not to attempt to go further to the front, but to deploy his column so as to form line in connection with General Pope's right wing, which was then engaged with Jackson. To do this General McDowell separated his corps entirely from General Porter's, and thus relinquished the command and all right to the command of Porter's corps. McDowell did not give Porter any order to attack, nor did he give him any order whatever to govern his action after their separation.

It does not appear from the testimony that he conveyed to General Porter in any way the erroneous view of the military situation which was afterward maintained before the Court-Martial, nor that he suggested to General Porter any expectation that he would make an attack. On the contrary, the testimony of all the witnesses as to what was actually said and done, the information which McDowell and Porter then had respecting the enemy, and the movement which McDowell decided to make, and did make, with his own troops, prove conclusively that there was left no room for doubt in Porter's mind that his duty was to stand on the defensive and hold his position until McDowell's movement could be completed. It would have indicated a great error of military judgment to have done or ordered the contrary, in the situation as then fully known to both McDowell and Porter.

General Pope appears from his orders and from his testimony to have been at that time wholly ignorant of the true situation. He had disapproved of the sending of Ricketts to Thoroughfare Gap to meet Longstreet on the 28th, believing that the main body of Lee's Army could not reach the field of Manassas before the night of the 30th. Hence, he sent the order to Porter dated 4:30 P. M. to attack Jackson's right flank or rear. Fortunately, that order did not reach Porter until about sunset—too late for any attack to be made. Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good result. Porter's faithful, subordinate and intelligent conduct that afternoon saved the Union Army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, viz., between 11 A. M. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and, so far as he had acted upon his own judgment, his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whoever else may have been responsible, it did not flow from any action or inaction of his.

The judgment of the Court-Martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gal-

lant combats between small portions of the opposing forces. Those combats were of short duration and were separated by long intervals of simple skirmishing and Artillery duels. Until after six o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the Confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of Artillery was heard by them during all those hours when Porter was understood by the Court-Martial to have been listening to the sounds of a furious battle raging immediately to the right; and those sounds of Artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August, have somehow been strangely confounded with each other. Even the Confederate reports have, since the termination of the war, been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th, has thus been used to sustain the original error under which he was condemned. General Porter was, in effect, condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

The evidence of bad animus in Porter's case ceases to be material in view of the evidence of his soldierly and faithful conduct. But it is our duty to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander cannot be defended; and to that indiscretion was due, in very great measure, the misinterpretation of both his motives and his conduct and his consequent condemnation.

Having thus given the reasons for our conclusions, we have the honor to report in accordance with the President's order, that, in our opinion, justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the Court-Martial in the case of Major General Fitz-John Porter, and to restore him to the positions of which that sentence deprived him—such restoration to take effect from the date of his dismissal from the service.

General Porter was, in reality, punished for fighting too long on August 30th. He might have fared better if he had changed front to the rear when others did. Reputations were, during the civil war, not unfrequently distributed like hats after more agreeable pastime, those who retire early, if otherwise thoughtful, getting the best. The MacSycophant family attained high rank in the army without wasting much time in the field. The silky-eared animals who assume the lion's skin, are invaluable as fathers of the most useful beasts of burden serving humanity, but we need lions to lead where it is necessary to drive them.

The Board properly rebuked General Porter's transgression of military propriety in certain telegrams sent General Burnside, prior to the second battle of Bull Run, where his high courage and skilful dispositions averted something worse if possible than General McDowell's experimental survey of that field. In that regard, General Porter's conduct was impolitic, unsoldierlike, and unjustifiable,

though exceedingly human. Captain Pope was known to both armies; his appointment to supreme command was received with as much exultation in the rebel, as humiliation in the union, camps, and similiar opinions were freely expressed in both. The disgust General Porter shared with his comrades, could not fail to be increased by the demoralization of the fine corps he had brought to a high state of discipline. His curt, unimprovable phrases were all the more objectionable, because of their obvious accuracy. Without those unhappy telegrams, for which General Porter sought no concealment,—and it would have been well for the army and the country, if the tact which suppressed a similar impropriety on the part of another distinguished officer had let them sleep at the War Department—the public mind, though thrown off its balance by the sudden succession of small performance to large promise, and the public conscience, though stupified by daily opiates of growing falsehood, would have repudiated the monstrous verdict. His own sense of propriety, quickened, it may be, by the fearful punishment they brought upon him, must have caused General Porter to regret his unbecoming references to his inferior superior, as sincerely as General Pope does any unprofitable truth, into the utterance of which he may have been inadvertently betrayed.

Few Union Generals were entirely free from temptation to resent injury of that character; fewer still met it by turning the other cheek. The present General of the Army, and the great captain who closed the war, had their full share of such embarrassments, and both used marked emphasis in manifesting their sense of wrong. At the farewell review of his army, about to return to the body of the people, General Sherman publicly repelled the injustice done that army and himself, by refusing the proffered hand of his technical superior in the presence of the President, and the country sustained his prompt and proper action. The latent manhood of General Grant's character was never so finely brought out, as when he compelled his civil superiors to forego a cherished scheme for bringing General Lee to trial, after accepting his parole, "that treason might be made odious." In protecting his personal honor, he probably saved the honor of the nation from the stain of murder under safe conduct.

In all this, the Civil War differed little from other wars. General Jackson—ordered to disband his Tennessee volunteers at



Natchez, in order that they might be constrained, on finding themselves without money and separated from their State by hundreds of miles of unbroken wilderness, to re-enter the service as enlisted men—defied the administration, on the ground that he was bound to return the survivors to the mothers and wives who had entrusted them to him, and, procuring transportation at his own cost, cut the road through the Indian country which still bears his name, and mustered them out where he had mustered them in, within reach of their homes. Urged by the surgeon in charge to leave to die at Natchez one man whose case was considered hopeless, he refused to “abandon anything that had life in it.” Near the end of the first day’s march, the sick man, partially roused from what his comrades regarded as the stupor of approaching death, by the metallic tones of his leader’s voice as he tramped through the mud beside the wagon, having surrendered his horse to another invalid, asked that his head might be raised so that he should see him once more. His heart warmed into fresh life at the sight of that “good grey head,” glorified by the faithful discharge of daily duty. “Where are we, General?” “Safe on the way home, my dear fellow.” The pristine vigor of Jackson’s blood was transfused into his languid veins, and he lived to follow him gladly through all subsequent campaigns, worshipping him as his earthly saviour while renovated life endured.

The condemnation of General Porter on the circumstantial evidence furnished by his telegrams to General Burnside carries with it the ostracism of another faithful Union soldier. The endorser is equally responsible with the drawer. On the telegrams Burnside must stand or fall with Porter.

General Burnside, whose patriotism has never been impugned and who is honored by a seat in the Senate from a State whose sons have never wavered in loyalty to the Union, sent copies of each of the obnoxious telegrams to Generals Halleck and McClellan. He testified (P. 175) that he also sent them to the President, adding: “I did not feel myself authorized to withhold anything from him that would tend to give him a correct impression of what was doing on that line.” General Burnside evidently thought that the paper for which he thus made himself responsible as moral endorser would produce “a correct impression” on the President’s mind. In reply to the question, immediately following his history



of the telegrams in question, "From your observation of General Porter's military conduct, and from your knowledge of him as an officer, what opinion have you formed of him, touching his fidelity and attention to his duty, and his zeal in its performance?" General Burnside said: "I have never seen anything to lead me to think that he was anything but a zealous, faithful, and loyal officer."

In another case, the end was accomplished. A woman was hanged at the Federal city, under the sentence of a military commission convened to defy the law within the shadow of the Supreme Court of the United States. The case of Mrs. Surratt was one for the civil courts; but the conspirators knew that no American jury would find her guilty on such evidence, even if Jeffries or Norbury were permitted to return to earth to lay down the law. The sin for which her remnant of life was taken, was the retention of the maternal instinct after she had ceased to discharge maternal functions. She had not refused shelter to her son because of her knowledge after the fact—inferred rather than proven—that he had participated in a plot to carry off President Lincoln, and deliver him to the confederate authorities as a hostage for peace,—a plot afterwards abandoned by Booth for assassination. She had not propitiated stultified officials by voluntarily surrendering him. She would have been false to everything which exalts womanhood if she had done either.

Then, too, an honest man occupied the Presidential chair; and the only friend she had—her worthless son being in hiding, occupied only with thought for his own safety—her daughter, sought pardon or reprieve. Access to Mr. Johnson was denied. Volunteer sentries, never seen in the discharge of military duty elsewhere, stood guard outside his door, repelling the fainting woman, until her mother was launched into eternity. Their self-imposed task accomplished, remorse claimed its prey, and they successively sought forgetfulness in self-murder. Their sin found them out unerringly in distant Kansas, as in the crowded harbor of New York.

Meanwhile, flushed by their triumph over a friendless woman, they laid Jefferson Davis in hold, and kept him long enough to invest the most unpopular man in the States lately in revolt, with the halo of martyrdom, and endow him with the sympathies of a gallant people, apparently doomed to see one an unwilling sufferer for the sins of all. The people of the North who had furnished the

blood and treasure which bought success, counted all as nothing for the love they bore the Union. Fratricide had done its worst. No smoke of human sacrifice should be permitted to sully the flag of their idolatry while it waved over unresisting foes. Nearer in wisdom to the corner-stone rejected by the builders than their vainglorious leaders, they sought to purge the Temple of Liberty of those who had well-nigh made it a den of thieves. The righteous anger which drove the money-changers from the Courts of the Lord, used no unnecessary violence. The tables were overturned, the base coin scattered on the polluted floor, but Hebrew ringsters found time, in the midst of fluttering doves and lowing oxen, with divine vengeance hovering over them, to pick up many little things for a rainy day.

The manners of the world are improving. Its morals are not deteriorating. The gray head of Mrs. Surratt found rest with her body in the grave, because modern decency forbade a Temple Bar whereon to impale it. Drawing and quartering had had their day. The men of '76 would doubtless have hanged Arnold, if the Vulture's beak had not intervened; but they would have buried with the honors of war the leg which bore, as its sufficient phylactery, the scars of Quebec. The men of '65, in giving Jefferson Davis his life, forfeited by causeless rebellion doggedly prolonged for eight months after General Lee notified him that further resistance was hopeless, would not have paltered with him about recognizing the honorable wounds of Buena Vista.

General Porter's immolation for what Mr. Holt with unintentional accuracy called "the shadow of a crime," was a misfortune of the time, the work, not of a party, but of an army clique, to which a few party barnacles had attached themselves. No political party being responsible for the wrong, no partisan interest can be subserved by its perpetuation, and no sagacious party leader will appeal to party spirit or invoke the powerful aid of party discipline to that end. In the absence of the higher motive of loyalty to country, shrewd loyalty to party will preclude such indiscretion. The American people is too proud of its past, too jealous of its future renown, to permit the army to be made a foot-ball in petty struggles for party ascendancy. Every effort heretofore made in that direction has recoiled upon the party making it.

Politicians recognize the fact that when our people undertake

to remedy the wrongs of a man who has served them well in the field, they make themselves felt. Acres of politicians, of large aggregate market value before the flood, were submerged in the struggle which elevated Jackson to the Presidency, and never heard of afterwards. The sum in which Judge Hall amerced General Jackson for an infraction of civil law—a necessary incident of his successful defence of New Orleans—was repaid near the end of his life. He had refused the money and protected the self-sufficient functionary from chastisement at the hands of the grateful people whose homes he saved from pollution. There are very few Congressional districts without active, energetic men who served with Porter and have brought their neighbors acquainted with his merits and the demerits of his persecutors. The people of the North know that President Lincoln gave him the highest brevet before the receipt of General McClellan's report recommending him for that honor and regretting that the limit of brevet rank had in his case been reached. The people of the South know that Robert E. Lee, whose captivating personal qualities eclipsed his soldiership, "the selfless man and stainless gentleman," who never sought nor needed a scapegoat, made no secret of the fact that the manner in which Porter handled his corps at Antietam (his enemies having withheld the charges against him that he might do work there for which they had no taste,) was the great cause of his own defeat where he had anticipated a signal victory.

To perpetuate Porter's punishment the American people must, in the face of the civilized world, stultify the public mind and outrage the public conscience, by deliberately rejecting the concurrent testimony of many of the best men who served in either army, that they may accept that of the worst men of both armies. Confederate testimony in his behalf must be met by disproof, not by a vapid sneer. Justice was done by Britons, on the unsupported statement of Napoleon, to Sir Robert Calder, after he had been under ban nearly as long as Porter.

Professional politicians of the baser sort, may obey the behests of a caucus, but men competent to control and preserve a great party, will be aroused to thoughtful action by the alarming advance of the destructive communistic spirit, appeased for a time by such tubs to the whale as the sacrifice of General Porter, but again rampant on the sand-lots of San Francisco.

The long delay, unjust and oppressive as it has been to General Porter, brings compensation in its train. The Philip of 1880 is not the Philip of 1863. He is quite sober and a little sick. Guided by returning reason, civil law slowly resumes its sway. No one of the fair sisterhood of States now presents the sad spectacle of the adjustment of all rights of person and property by the fluctuating spirit-level of a mere dragoon. The maintenance of the Monroe Doctrine—a British invention to thwart the Holy Alliance, improvised by Mr. Canning, who, finding that Mr. Rush had no instructions, first used the French to that end—again enforced upon the country with the ebullient fervor of the spasmodic patriotism which precedes a Presidential election, may bring war at short notice. Our army is a skeleton, our navy, save in *personnel*, a delusion. The men who stood steadfastly by the Union through four years of trying vicissitude, with the unflagging energy of a father's faith and the patient persistence of a mother's love, are ready on just occasion, with most of those who opposed them so sternly in fratricidal strife, to take arms again, but they would like to know something of the men who are to lead them. An officer's achievements are no longer measured by the number of men he succeeded in having killed. When the reduced circle gathers at nightfall around the hearth, the outgoing generation think of the missing sons,

“Wasted in strife e'er the battle was won.”

No echo from human lips, or awakened conscience, may ever have reached either of the misplaced Federal commanders at Bull Run, of the agonizing cry of Augustus: “Varus, Varus, what hast thou done with my legions?” but its dull, intrusive monotone thrills sad hearts with renewed anguish in the watches of the night when

“Plaintive memory takes the place of the Hope.”

No other country could have furnished such food for powder. It is too valuable for other purposes to be squandered in qualifying raw men for the modicum of military service needed to fit them out as candidates for civil office, or in making capable staff officers acquainted with the practical duties of the line, that they may thereafter neglect both. The best feature of General Scott's military character was his skilful economy of men, and similar good husbandry was a marked characteristic of a greater soldier. Prodigal of his own blood, and, when occasion required, of that of others,



the history of Jackson's continuously successful campaigns bears no record of the waste of human life. With the tiger's leap at the critical moment, he combined the previous caution of the cat. Sent to New Orleans to make bricks without straw, he was told that men and arms would follow. Muskets failed to reach him in season, because niggard economy, little short of tacit treason, specifically permitted the boatmen to stop by the way to trade. General Carroll seized one boat load of arms and munitions and carried them with him. General Coffee, upon whom that great arm never leaned in vain, on receipt of the characteristic order of his chief: "You must not sleep till you are within striking distance," marched his brigade eighty miles in twenty-four hours, surpassing the famous march of Crawford's superb brigade which enabled him to turn the tide in Wellington's favor. With these travel-worn troops, Old Hickory, on the day after their arrival, struck the decisive blow which made the better known victory of January 8th possible. He had to beat the enemy and red tape with one hand. "The crowning mercy" of the war, providentially vouchsafed after peace had been concluded, by which, in Mr. Jefferson's happy phrase, he "filled the measure of his country's glory," throwing the mantle of oblivion over the disasters of the Northern frontier, and the veil of obscurity over the McDowells and Popes by whom they had been brought about, was won with one-third of his effective force standing idle, nominally in support, but in reality awaiting weapons to be wrenched from the enemy, or taken from the relaxing grasp of dying comrades. When his work was done, he had six killed and seven wounded, while nearly 2,000 brave veterans, case-hardened under Moore and Wellington, strewed the Plain of Chalmette, with most of the gallant leaders who brought them forward again and again to those furious "onsets of despair." His raw militia had no ramparts but what they threw up from the alluvial soil. Popular enthusiasm, always ready to invest genius with material power easy of comprehension, planted cotton bales in his front. In point of fact, Commodore Patterson, finding twenty-seven bales on the bank of the river, had them thrown in by the crew of the *Caroline*, on the extreme right of Jackson's lines, where the fighting was least sanguinary.

The report of the Senate committee on military affairs, enforcing the recommendation of the Advisory Board, carries weight because



it is the result of careful investigation, and embodies the deliberate judgment of members who command public respect and confidence. The report was in effect unanimous, the feeble dissent of the lesser Senator from Illinois, being one of those slight exceptions which go to confirm the rule.

When his pendulous patriotism finally planted him, after many acrobatic evolutions, at the proper time on the strong side, Mr. Logan saw that he would be "nothing if not critical." His instincts control his action. Debarred by congenital obliquity and the bent of his self-education from all comprehension of the conduct or character of General Porter, he bristles instinctively at the mention of his name. He is not more astray now than he was in the case of George H. Thomas.

General Thomas, who never could be made to fight till he was ready, was accused by ferocious non-combatants, at a critical period of the war, of "unnecessary slowness," and most of the sins of omission imputed under like circumstances to General Porter, and his removal demanded. Mr. Logan, appointed Major-General because of his great labor in reaching the Federal camp by a circuitous route, was more efficient at Washington than in the field, and convinced the administration that he was the Admirable Crichton wherewith to supersede the slow General. Armed with the order which was to open the way to glory, he met in central Kentucky tidings of the battle of Nashville, which sent him to the rear, a sadder and, for a while, a wiser man.

The ephemera of the Civil War combine against General Porter because of the instinctive repulsion between their tribe and all trained soldiers. The honest admiration of the American people for heroism, real or imaginary, has given the least worthy of the clan great power for mischief. The Wizard of the North gave Dugald Dalgetty "Loyalty's Reward," with knighthood at the hand of the Great Marquis "on a stricken field," whereby he was enabled to claim precedence, upon occasions of ceremony, over better men; but the idea of bringing such a soldier into Parliament does not seem to have occurred to his versatile genius.

The newspapers tell us of a fossiliferous Congress, in secret session at the capital, made up in good part of those veterans of the staff corps who never seek retirement, however worthy of it, whose faultless uniforms and standard regulation grief give such

cheerful animation to the solemnity of a Washington funeral, one of whom takes pleasure in furnishing, for false and fraudulent uses, "printed extracts from the Rebel commanders' reports of engagements, certified to by the Adjutant-General," with the comforting assurance that the writer has "reason to believe that there will be no favorable action on F. J. P.'s application for a remission of any part of the sentence of the Court in the case,"—an application, by the way, never made—under the president of the first court, always potential on the back-stairs, and inspired by the late Judge-Advocate General, still anxious to shield the country from the dire effects of Porter's long-lived treachery.

These people may yet secure for General Porter the reward which is his due—a major generalship in the line, by special enactment, for saving the army from annihilation at the second battle of Bull Run, and the capital from falling into the hands of the enemy, or, in default of justice at the hands of Congress, his elevation to such high civil station as should command their lively adoration.

Meanwhile let the dear-bought generalships, with all their emoluments and such honors as may remain with them, be held till death shall do its kindly office, and let the gallows of Haman stand, unoccupied, a guide-post for all time. Mordecai's occasions do not call him to the king's gate.

Carpet knighthood shows to more advantage on the Pacific slope than in the high places of the field. Vice in exaltation challenges the attention of those whose instincts would lead them to pass by on the other side to escape contact with vice in humiliation.

For General Porter's persecutors, one and all, I bespeak in advance, the charities of the grave, with immunity from all earthly punishment at the hands of others. Where charity fails let contempt do its appropriate work.

"The earth has bubbles as the water hath,  
And these are of them."

The country is on trial now. Congress has the present power to determine for it whether it shall be true to itself, as Porter was true to it in its dark hour of calamity.

Woe to the "congregation of evil-doers," seeking darkness rather than light, if, in the blind energy of infatuation, they shall

succeed in carrying the case to the court of last resort—the High Court of Errors and Appeals,—the sovereign power of the people in corrective exercise at the polls. When overtaken by the ground-swell of popular wrath, they may call in vain for rocks and hills to cover them.

General Porter's trial is over, his punishment ended. After anticipating for seventeen years of his natural life, drawn out "twixt upper, nether, and surrounding fires," the pains and penalties of purgatory, he stands before his country and the world, "redeemed, regenerated, and disenthralled," without the smell of fire upon his garments.

"Whatever record leap to light  
He never shall be shamed,"

W. C. PATTERSON.

ERRATA—After the word *columns* on page 279, line 18, read—"asked permission to go to the aid of Sykes, and the fragmentary volunteer forces still stubbornly holding their ground, earnestly affirming his confidence in a successful result."

Page 281, on line 13 from bottom of page, read *McDowell* for "McDonald,"

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